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Sharmini N. Green
C/O BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,868

Applicant(s)

TRIPATHY, AUROBINDO

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-14 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

RD

DETAILED ACTION

Response to Amendment

1. This action is in response to the RCE filed April, 18, 2005 with the amendments to claims 1, 6 and 18, and the cancellation of claim 2.

Claims 1, 3-20 are pending.

Response to Arguments

2. Applicant's arguments filed April 18, 2005 have been fully considered but they are not persuasive.

3. Applicant's arguments with respect to claims 1, 3-14 and 16-20 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Candelore (2002/0188567), Kocher et al. (6,289,455) and Uz (6,351,538).

4. Applicant's argument regarding the improper combination of Candelore and Kocher is not persuasive. Candelore discloses method and system for receiving a scrambled digital program and a plurality of access requirements for descrambling the scrambled program and for selecting at least one of the access requirements and storing the scrambled program and the selected requirement (Abstract). Candelore's invention relates to a method and system for controlling the reproduction and recording of digital content on and from at least one digital device (page 1, paragraph [0002]) to address the concerns of various content providers who desire to prevent the

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unauthorized and uncontrolled copying of copyrighted or protected material (page 1, paragraph [0005]). Kocher discloses a method and apparatus for preventing piracy of digital content. Therefore, it is proper to combine or modify reference teachings (Candelore and Kocher).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore (2002/0188567) in view of Kocher et al. (6,289,455) and further in view of Uz (6,351,538).

a) As to claims 1, 6 and 18, Candelore discloses a system and method for controlling the reproduction and recording of digital content comprising:

- i) intercepting a signal from a video transmission, the signal comprising a scrambled content and a decryption key (page 2, paragraph [0026]);
- ii) extracting the decryption key from the signal (page 3, paragraphs [0037], [0042], [0083];

Candelore fails to disclose:

- iii) encrypting the extracted decryption key; and
- iv) storing the encrypted decryption key.

Kocher discloses a method for improving the security of systems for distributing digital content comprising the step of encrypting the decryption key (col. 2, lines 44-50) and storing the encrypted decryption key (Fig. 10, element 1050)

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of encrypting the decryption key and storing the encrypted decryption key as Kocher teaches, in the system of Candelore so as to strengthen security of decryption keys (col. 2, lines 47-50).

Candelore discloses extracting the scrambled content from the signal (fig. 2, element 240) and storing the scrambled content (page 8, paragraph [0077].

However, the combination of Candelore in view of Kocher does not disclose storing the scrambled content separate from the stored encrypted decryption key.

Uz discloses a method and apparatus for restricting access to a digital video content wherein the encrypted electronic data is stored (col. 8, lines 45-46; i.e. the encrypted signal is stored in the second area) in the different area than the encrypted decryption key (col. 8, lines 46-48; i.e. the encrypted descrambling keys are stored in the third area).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of storing the encrypted data content separate from the encrypted decryption key, as Uz teaches, in the system of the combination of Candelore in view of Kocher so as to better control the security of each storing area.

b) As to claims 3 and 19, Candelore discloses the method further comprising:

- i) receiving a request for the scrambled content to be scrambled
(page 6, paragraph [0062];
 - ii) retrieving the encrypted decryption key (Kocher, col. 19, lines 37-41);
 - iii) decrypting the retrieved encrypted decryption key (Kocher, Fig. 11, element 1160)
 - iv) using the decrypted decryption key to descramble the scrambled signal (Kocher, col. 20, lines 10-19).
- c) As to claims 4 and 20, Kocher discloses the method wherein encrypting the decryption key further comprises using protected content exchange encryption (col. 26, lines 45-49).
- d) As to claim 5, Kocher discloses the method wherein storing the encrypted decryption key further comprises storing the encrypted decryption key on a random access storage medium (Fig. 2, element 265).
- e) As to claim 7, Candelore discloses the system wherein the multi-function unit further comprises a descrambler (Fig. 3, element 340) and a decoder (Figure 1, element 112).
- f) As to claim 8, Uz discloses the system further comprising a random access storage medium coupled to the bus interface unit wherein the encrypted decryption key and the scrambled content are stored (Fig. 1, element 300).

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g) As to claim 9, Candelore discloses the system wherein the multi-function unit further comprises an encryption unit and a decryption unit (Figure 3, elements 340 and 350).

h) As to claim 10, Kocher discloses the encryption unit further including logic to encrypt the decryption key using protected content exchange-based encryption (col. 26, lines 45-49).

i) As to claim 11, the examiner takes official notice that use of peripheral component interconnect bus is quite well known in bus design.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of PCI bus in the system of Candelore and Kocher so as to incorporate Plug and Play (PnP) technology to eliminate the inevitable headaches associated with adding a new expansion board to a PC.

j) As to claim 12, Candelore discloses the video signal is a single channel audio/video signal (page 2, paragraph [0026]).

k) As to claim 13, Candelore discloses the system further comprising a demultiplexer coupled to the bus (Fig. 2, element 250). Kocher discloses a memory region for storing the encrypted decryption key (Fig. 10, element 1050).

l) As to claim 14, Candelore discloses the system wherein the descrambler is a digital video broadcast descrambler (Figure 3, element 340).

m) As to claim 16, Candelore discloses the system wherein the decoder is an MPEG decoder (page 2, paragraph [0028]).

n) As to claim 17, Kocher discloses the system wherein the decryption unit performs PCX-based decryption (col. 26, lines 45-49).

Allowable Subject Matter

7. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
5/24/05



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER